

**REMARKS**

Claims 1-2, 5-9, 70, 75-85, and 86-91 were pending in the current application. Applicants have amended claims 1, 75, 83, 84, and 86. Reexamination and reconsideration of all of the claims are respectfully requested.

35 U.S.C. § 102

The Office Action rejected claims 1-2, 5-9, 70 and 75-91 under 35 U.S.C. § 102(b) based on Shafer et al., U.S. Patent Publication 2001/0040722 (“Shafer ‘722”).

Shafer ‘722 discloses a system employing fold mirrors and other elements that create a nonlinear, non-axially aligned light energy path between the illumination source and the specimen. Such a design materially differs from, for example, the design presented in FIGs. 24-29 of the present application, wherein all of the optical elements are aligned along a single axis and do not include planar reflective surfaces.

Applicants have amended independent claims 1, 75, 83, and 86 to recite the linear alignment or absence of planar reflecting elements from the imaging subsystem/light energy receiving limitations of the claims. Specifically, claim 1 now recites “said imaging subsystem comprising a plurality of elements all aligned along a single axis, each element having diameter less than approximately 100 millimeters;” claim 75 requires “a plurality of optical elements all aligned along an axis and each having maximum diameter less than approximately 100 millimeters;” claim 83 includes “said plurality of elements being free of planar reflecting surfaces;” and claim 86 recites “a plurality of optical elements aligned collectively along a single axis, each optical element having maximum diameter less than approximately 100 millimeters.” Shafer ‘722 does not disclose nor suggest a system including these limitations, as the elements of Shafer ‘722 are not aligned along a single axis and are not free of reflective surfaces. Thus all independent claims, as amended, are not anticipated by Shafer ‘722.

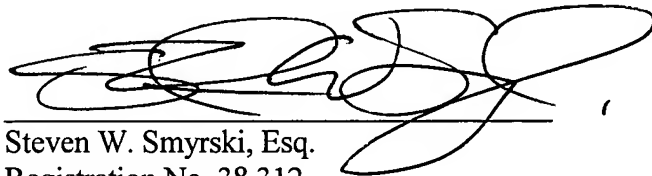
Claims depending from allowable independent amended claims 1, 75, 83, and 86 are allowable as they depend from an allowable base claim.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all claims of the present application, as amended, are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Applicants believe that no fees are required beyond those included herewith. Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this matter to Deposit Account 502026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Smyrski', is written over a horizontal line.

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Date: March 1, 2006

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